THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO.4902 OF 2005

Between:

Gangadhar

……..Petitioner

Vs.

1. The Revenue Divisional Officer & Land Acquisition Officer, Nirmal, Adilabad District and two others

……Respondents.

Dt.08.09.2005

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The petitioner claims to be in possession of Ac 23.2 guntas comprising S.Nos.563 and 258 situated at Bhainsa Village and Mandal, Adilabad District as a tenant. It is his grievance that though the Land Acquisition Officer has issued notice under Section 9 (1) & 10/9(3) & (10) of the Land Acquisition Act-1 of 1894, no award has been passed in respect of the said land. Hence, the writ petition is filed by invoking the jurisdiction of this Court under Article 226 of the Constitution of India.

Heard the learned counsel for the petitioner and the learned Government Pleader for Land Acquisition appearing for the respondents.

The learned counsel for the petitioner submits that the first respondent-Land Acquisition Officer issued notice under Section 9 (1) & 10/9 (3) & (10) of the Land Acquisition Act, 1894 directing the petitioner to submit a claim statement in writing showing the nature of interest towards the property. There upon, the petitioner submitted a claim statement before the Land Acquisition Officer and since the Land

Acquisition Officer has not passed any orders on the said application, the petitioner has chosen to approach this Court by invoking jurisdiction under Article 226 of the Constitution of India.

Copy of the notice served on the petitioner has been placed on record. His name has been appeared under the caption “name of the owner or registered or other persons interested in the lands” in Form No.6/7 issued by the first respondent. Since the petitioner claims to have submitted a statement showing his interest towards the property, there is an obligation on the part of the respondents to consider the statement of the petitioner and pass appropriate orders.

Since the award is stated to be not yet passed in pursuance of the notice issued under Section 9 (1) & (10) /9 (3) & (10) of the Land Acquisition Act, I deem it appropriate to direct the first respondent-Land Acquisition Officer to consider the statement placed on record by the petitioner in pursuance of the notice served on him in Form No.6/7 and pass appropriate orders within two months from the date of receipt of a copy of the order.

The writ petition is accordingly disposed of. No costs.

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B.SESHASAYANA REDDY J.,

Dt. 08.09.2005

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